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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,620	07/16/2003	Byung-Jin Kim	1630-0384PUS1	7305
2292 7590 10/31/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
BOCCIO, VINCENT F				
ART UNIT		PAPER NUMBER		
2169				
NOTIFICATION DATE		DELIVERY MODE		
10/31/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

### Office Action Summary

**Application No.**

10/619,620

**Applicant(s)**

KIM ET AL.

**Examiner**

Vincent F. Boccia

**Art Unit**

2169

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Amend & Resp 6/6/08, RCE 8/7/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20 and 23-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20 and 23-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/245,855.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2169.

***Response to Arguments***

1. Applicant's arguments with respect to amended claims 20, 23-41 and new claims 42-46 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.  
This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
2. Claims 20, 23-25, 27-30, 32-35, 37-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kashiwagi et al. (US 5,923,869) in view of Taira et al. (US 2003/0113096).

Regarding claim 20, Kashiwagi discloses and meets the limitations associated with a method and associated apparatus for creating seamless presentation information of picture data in a record medium, comprising the steps of:

a) recording picture data being received on the record medium by grouping the data into objects (Figs. 2, 20 and 24); and

b) selectively creating the seamless presentation information (col. 43, line 35-, col. 44, line 12-, "target scene to be seamlessly connected to the preceding scene based on scenario data St7", col. 34, lines 24-64, "seamless Playback") for each object based on the type of picture data being recorded.

Regarding claims 20, 23, 32, 37, 42 Kashiwagi fails to disclose as argued that amended to claim language below,

o determining if a current object of the picture data is to be presented seamlessly or non-seamlessly with a previous object of the picture data; and

o **creating the seamless presentation information** for each corresponding object only when the determining step determines the current object of the picture data is to be presented seamlessly with the previous object **and not creating** the seamless presentation for the current object when the determining step determines the current object of the picture data is not to be presented seamlessly with the previous object such that the seamless presentation information includes a different structure based on whether or not the current object is to be presented seamlessly or non-seamlessly with the previous object.

Taira et al. teaches determining if a current object of the picture data is to be presented seamlessly (e.g. Fig. 19, seamless address table) **or** non-seamlessly (Fig. 13, "NON-seamless") with a previous object of the picture data; and **creating the seamless presentation information** for each corresponding object only when the determining step determines the current object of the picture data is to be presented seamlessly (based on the tables with flags, part of DSI, Fig. 17, DSI in "nav\_PCK(#n)", nav. Pack in Fig. 16 of a VOBu or Object (video object unit)) with the previous object **and not**

**creating** (Fig. 31, "toggle") the seamless presentation for the current object when the determining step determines the current object of the picture data is not (Fig. 28, seamless playback flag) to be presented seamlessly with the previous object such that the seamless presentation information includes a different structure (flag value, and/or different angle) based on whether or not the current object is to be presented seamlessly or non-seamlessly with the previous object (a flag or angle change or Fig. 41, steps st52, st54, size different).

Fig. 10, "Angle ... Non-Seamless", PCI, Fig. 11, comprises PCI\_GI (general information), having PMT (s), Time Data, LBNs etc.....

Fig. 17, "Angle ... Seamless", playback information, DSI, Fig. 8, DSI\_GI (general information), having SCR, LBN, Address Data and time,

Fig. 19, *SML Seamless (angle)*,

Fig. 27, Cell Still Time

being PCI, DSI contents, presentation and search information for objects, video and/or still, depending on how handled, as those skilled in the art would understand, see pages 16-18, Figs. 28, 35, 39, 41, 44 (still, **seamless, flag= 1 ??**), thereby allowing for a plurality of angles or scenes can be played back can be changed and selectively played back, as taught by Taira.

Therefore, it would have been obvious to those skilled in the art at the time of the invention to modify Kashiwagi by incorporating determining if a current object of the picture data is to be presented seamlessly or non-seamlessly with a previous object of the picture data; and **creating the seamless presentation information** for each corresponding object only when the determining step determines the current object of the picture data is to be presented seamlessly with the previous object and not creating the seamless presentation for the current object when the determining step determines the current object of the picture data is not to be presented seamlessly with the previous object such that the seamless presentation information includes a different structure based on whether or not the current object is to be presented seamlessly or non-seamlessly with the previous object, as taught by Taira Abe.

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Regarding claims 23-24, the combination with Kashiwagi further meets the limitations of seamless information is included in the Navigation information pertaining to each object (Fig. 20, "NV", "DSI", "Seamless Playback {SML\_PBI} and Angle Info for Seamless {SML\_AGLI}"), which include Flags (such as shown in Fig. 20, also see related disclosure col. 21, line 30-, "seamless playback flag SPF", etc.....).

Regarding claim 25, the combination with Kashiwagi further meets the limitations of wherein the seamless presentation information includes at least one field of SCR or system clock reference or time data (see Fig. 19, "SCR file being a part of PKH", Fig. 20, wherein the "PKH", field having SCR field is part of NV, part of DSI), therefore, met and proven, in view of the combination of as shown in Figs. 19-20.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 20, 23-46 rejected under 35 U.S.C. 102(e) as being clearly anticipated by Taira et al. (US 2003/0113096).
3. Regarding claims 20, 23-46, based on the above and in view of: Figs. 16-18, "NV, DSI, PCI, Seamless, Search", Fig. 21, "NON", Figs. 26-27, "Time, Start, First & Last, End, First, Last, CELL STILL TIME, Seamless Playback Flag, Seamless Angle Change Flag", Fig. 28, Seamless & STC, flags Figs. 31-32 etc., "Perm./Proh. Flags", set-able Pages 16-18 etc., is deemed to anticipate the claims as recited.

The examiner also incorporates by reference the details of Taira, as described, there above.

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 26, 31, 36, 41, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination as applied above Kashiwagi et al. (US 5,923,869) and/or Taira et al. (US 2003/0113096), "alone", as applied and further in view of Okada et al. (US 6,181,870).

Regarding claims 26, 31, 36, 41, 46, the combination and/or with Kashiwagi further meets the limitations of wherein at least one field includes SCR, but, fails to disclose wherein the at least one field of the SCR comprised the last SCR of the former of two successive objects and the first SCR, of the latter of the two successive objects (see applicant disclosure Fig. 7 B).

Okada teaches at col. 42, lines 10-23, "first and last SCR of the former VOB and latter VOB, the seamless flag ... into the seamless linking information for the former VOB", as taught by Okada.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify the combination and/or with **Kashiwagi** by incorporating first and last SCR values into the SCR field, being related to the former and latter respectively, of two successive objects, as taught by **Okada**, thereby providing more resolution of time information to utilize during reproduction operation as taught by Okada, as is deemed obvious to utilize known management structures in the same field of endeavor, as is obvious to those skilled in the art.

#### Contact Information

Any inquiry concerning this communication or earlier communications should be directed to the examiner of record Vincent F. Boccio whose telephone number is (571) 272-7373.

The examiner can normally be reached on between Monday-Thursday between (7:30 AM to 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ali, can be reached on (571) 272-4105.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vincent F. Boccio/

Primary Examiner, Art Unit 2169